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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,891	07/06/1999	ANTONIUS A.C.M. KALKER	PHN-17.025	5906

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/348,891	Applicant(s) KALKER ET AL.	
	Examiner James A. Fletcher	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

In re page 4, Applicant's Representative states: "the claimed invention beneficially reverses the typical order employed during watermark detection...with the claimed order of accumulating, and then inverse transforming."

The Examiner believes he understands that the claimed watermark is embedded in the image or spatial domain, rather than the transform or frequency domain, which requires the accumulation of coefficients in order to inverse transform the compressed and transformed image signal. The Examiner also believes he understands the Ito reference to disclose watermarks in both an image and in a set of coefficients, as indicated in Col 3, lines 16-23, and the watermark in the image domain is shown to be preferable, as indicated in Col 3, lines 23-29. Further, the Ito reference makes it clear that the watermark is in the image domain in the abstract (being able to be visually perceived), and in, for example, Col 8, lines 58-64, Col 10, lines 1-2, lines 4-5, lines 41-43, and other locations throughout the reference.

As the Itoh reference regularly notes that the stored program is likely to be stored under MPEG standards, it is clearly understood by those of skill in the art that the coefficients of the MPEG signal must be accumulated before they can be inverse transformed so the image can be viewed and the watermark encoded in it can be detected.

In re page 5, Applicant's Representative states: "In conventional MPEG decoding systems such as that of Itoh, a compressed video signal (in the transform domain) is first inverse transformed (into the spatial domain), and then accumulated."

The Examiner respectfully disagrees. As is understood by those of skill in the art, signals are not accumulated. Elements described by signals, such as coefficients, pixels, and instructions may be accumulated. However, the claims of the application recite the accumulation of coefficients in order to inverse transform those coefficients into an image, from which a watermark is extracted. This method is met by the Itoh reference.

However, the specification appears to disclose a different invention, that being one where the coefficients in the transform domain for a plurality of image segments are accumulated, the image segments (still in the transform domain) are also accumulated, and the watermark is determined from that accumulation of image segments, as illustrated in Fig. 2 and described in paragraph 0010 and 0018. The Examiner understands these "image segments" to correspond to the Applicant's "pictures of one frame."

Further, the specification has conflicting terms, which allow the Examiner to apply prior art in ways he could not normally do. For example, paragraph 0018 mentions a (sub)picture, which is indicated as being items 91-99 in Fig. 2. These are also described as being the "pictures" defined in paragraph 0003. While the Examiner believes the "sub" entry to be in error, it allows him to declare those picture elements to be nothing more than standard MPEG transform blocks, and apply the prior art accordingly.

The Examiner also notes that the terms used in the claim, particularly those regarding the accumulation of pictures, are potentially misleading. Although the Applicant may be his own lexicographer, terms that are clearly contrary to the understanding of those of skill in the art are discouraged. Fig. 2 shows a schematic representation of a plurality of image segments (in this case, nine) that are represented as being summed in an undisclosed fashion. The specification says the pictures or (sub)pictures are folded and accumulated, also in an undisclosed fashion. This again allows the Examiner to apply prior art in ways he could not do had the language of the specification been more in line with standard usage, including assuming that the accumulation of the pictures or (sub)pictures is no more than normal MPEG decoding requires.



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